

FROM THE DESK OF:
MR. JOHN RICHARD GUE,
#BA-3219
SCT-GREENE/SMU
175 PLEIGNES DRIVE
WAYNESBURG, PA. 15370-8089
April 9, 2001

Re: OFFICE OF THE CLERK,
U.S. DISTRICT COURT,
888 Walnut Street,
P.O. Box 923
Waynesburg, PA. 15370-8089

Dear Clerk:
Please file the enclosed Exhibit-A to

Plaintiff's Reply Brief in Opposition to Defendant's
Opposition to Plaintiff's Motion to Remit the Plaintiff's Commotion
with Inmate at SCI-Camp Hill Prison, herein the one-time
CPII Action, pursuant to R73 of the Court's

CC: MR. MICHAEL L. HARVEY, SMC (S)
Wfenc1.

~~MR. JOHN RICHARD GUE~~
Plaintiff and PMS

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUDGE'S COPY

Civil No. 1: CV-00-0315

U. S. District Judge R.

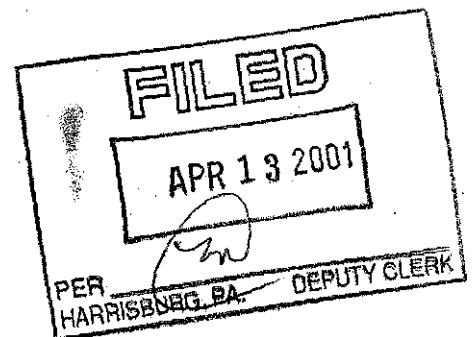
Magistrate Judge Smyser

EXHIBIT - A TO PLAINTIFFS

BRIEF IN OPPOSITION TO DEF

BRIEF IN OPPOSITION TO PLAINT

Filed By: MR. JOHN RICHARD
Plaintiff and P.S.



MR. John Richard
#BA-3219
SCI - Greene/Sm
175 Progress Dr
Waynesburg, PA 15

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,

vs.

KENNETH D. KYLER et al.
Defendants.

CRV No. 1-00-00-00
U.S. District Judge
Magistrate Judge Smyke

EXHIBIT TO PLAINTIFF
REPLY BRIEF IN OP
TO PLAINTIFFS
TO DEFENDANTS' BRI
OPPOSITION TO PLAINTIFF
MOTION TO PERMIT
PLAINTIFF TO COMMUN
WITHIN MATE APTS
HILL PRISON

Filed By: MR. JOHN RICHARD JAE
Plaintiff and Attorney

MR. JOHN RICHARD JAE
#BQ-3214
SCI-Greene/SMU
175 Progress Drive
Waynesburg, PA 153

DC-804
PART 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

TO: GRIEVANCE COORDINATOR	INSTITUTION	DATE
MR. Ben C. Livingston	SCI-Camp Hill	8-08-00
FROM: (Commitment Name & Number)	INMATE'S SIGNATURE	
MR. John R. Jire, #BR-3819-10	John R. Jire	
WORK ASSIGNMENT	QUARTERS ASSIGNMENT	
None	RHU ID-B103	

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

On: 8-07-00, I spoke with Superintendent Dragovich here in the RHU & verbally requested that he give myself and Inmate Norman Johnston permission to pass my legal/court papers back & forth, as I wanted & needed Norman Johnston to give me with certain of my legal cases & to do an Affidavit of Court Cases for me & that this was necessary because Norman Johnston cannot go to the RHU Mini Law Library and by Policy I do not qualify for a paralegal from the State Paralegal nor the Inmate legal aides here. Supt. Dragovich told me then that he would not be able to approve this as Gov. Harris had a policy (I have never seen nor been given a copy of such a policy) that there was to be no passing of anything at all between inmates but such a policy as applied to legal papers etc. is totally unconstitutional right to seek legal assistance from another inmate, and I have never seen

B. Actions taken and staff you have contacted before submitting this grievance:

483 (1960). I involved a federal inmate I first tried to informally resolve the above-matter by verbally discussing such with Superintendent Dragovich when he made his rounds in the RHU on: 8-07-00 & I have also previously verbally discussed such with Hepp C. Lee, Unit 12

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Grievance Coordinator

Date

DC-804.

ATTACHMENT #4

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF CORRECTIONS
 P.O. BOX 598
 CAMP HILL, PA 17001

Grievance No. CAM-0473-00

Official Inmate Grievance - Review by Grievance Officer
 Complaint File Number Assigned by Grievance Officer

To: Number	Name	Quarters Assignment	Date
BQ-3219	John Jae	D Block	8/10/00

This complaint has been reviewed. Below is a summary of my review and/or investigation and recommendations. Objections may be filed with the Superintendent within five (5) days.

Superintendent Dragovich has already informed you that under direction from the Department of Corrections there is to be no exchange of property of any kind among RHU inmates. No further personal interview is necessary because this matter has been addressed by the Superintendent in a face-to-face meeting with you on Tuesday, August 8, 2000.

cc: Superintendent Dragovich
 Deputy Novotney
 Deputy Palakovich
 Mr. Spirk
 Central File
 Inmate

Signature of Grievance Officer

Da

COMMONWEALTH OF PENNSYLVANIA
State Correctional Institution at Camp Hill

DATE: August 21, 2000

SUBJECT: Appeal to Superintendent
Grievance No. CAM-0473-00

TO: John Jae
BQ-3219
D Unit

FROM: *Martin L. Dragovich*
Martin L. Dragovich
Superintendent

Receipt of your Appeal to Superintendent of Grievance CAM-0473-00 is acknowledged. In preparing this response, I have reviewed your original grievance, the grievance coordinator's response, and your appeal to this office. Also, please recall our conversation on this very matter during my weekly rounds earlier this month.

I believe Mr. Livingood's first level response accurately portrays my response to your inquiry of August 7, 2000.

For reasons previously cited, I must continue to disapprove your original verbal request and, therefore, this grievance appeal.

MLD/lp

cc: Deputy Novotney
Deputy Palakovich
Mr. Livingood
DC-15
File - CAM-0473-00

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF
INMATE GRIEVANCES AND APPEALS

January 26, 2001

John Jae, BQ-3219
SCI Pittsburgh

Re: DC-ADM 804 - Final Review
Grievance No. CAM-0473-00

Dear Mr. Jae:

Your request for appeal to final review of the above noted grievance is hereby acknowledged.

In accordance with the provisions of DC-ADM 804, VI D, as amended effective November 1, 1997, I have reviewed the entire record of this grievance; including your initial grievance, the Grievance Officer's response, your appeal from initial review and the Superintendent's response.

After a careful evaluation of this grievance, it is the decision of this office that your appeal be dismissed as untimely. DC-ADM 804 provides you with a period of seven (7) days in which to appeal the response from the Superintendent. While we will often exercise latitude in issues of timeliness, it is noted your appeal is well beyond the stipulated seven-day period and includes no reason for this delay.

For the above stated reason, your appeal to final review is dismissed.

Sincerely,



Thomas L. James
Chief Grievance Coordinator

TLJ:tck

pc: Superintendent Johnson
Superintendent Dragovich

CERTIFICATE OF SERVICE

I certify that on: 4-09-01, I mailed to the person listed below a true & correct copy of the within Exhibit A - to Plaintiff's Reply Brief IN opposition to Defendants' Briefs in opposition to Plaintiff's Motion to permit the Plaintiff to communicate with inmate At SCI - Camp Hill Prison, by way of First-Class U.S. Mail, postage pre-paid & addressed to:

MR. Michael L. Hankey, SDAG
Office of the Attorney General
of Pennsylvania
15th Fl. Strawberry Square
Harrisburg, PA 17120

I certify that on 4-09-01, I ~~gave~~ to Prison officials here the original of the above - same document for mailing to this court.

I certify under penalty of perjury & pursuant to 28 U.S.C. § 1746 that the above, is true & correct:

Dated & Executed on:
9th APRIL 2001 =
At: Waynesburg, Pennsylvania =

(S) John Richard Jr
MR. JOHN RICHARD JR
#BQ-3219
SCI - Greene/AMU
175 Progress Drive
Waynesburg, PA 15370